

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ROBERT HORTON, III, as next friend and
Guardian of ROBERT HORTON, IV
and ROBERT HORTON, IV,

Plaintiff,

vs.

NO. _____

RECEIVED
DEC 05 2023
Shelby County
Board of Education
Office of General Counsel

MEMPHIS SHELBY COUNTY SCHOOLS,

Defendant.

COMPLAINT FOR DAMAGES FOR STUDENT DISCRIMINATION
AND MALICIOUS PROSECUTION

1. That this action is brought for discrimination in the application of student disciplinary rules, denial of the right to a public education, and malicious prosecution.
2. That this court has jurisdiction of this action.
3. That the Plaintiff, Robert Horton, IV, is a former student of MSCS who was a minor when these acts occurred.
4. That the Defendant is a governmental entity conducting business and administering the public educational system of Memphis within the jurisdiction of this court.
5. That the Plaintiff was falsely accused by another student of threatening to "shoot up" Kirby High School.
6. That an unfair and accusatory investigation by the Defendant proceeded based totally upon the oral accusation of another student.
7. That on or about November 5, 2021, Plaintiff was arrested and suspended from classes for a period of 45 days based on the false accusation mentioned above.

EXHIBIT A

8. That the Plaintiff was traumatized by the unfair suspension from classes.
9. That all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. U.S. Constitution Amendment 14.
9. That the Plaintiff was subjected to unequal and unfair terms in the application of the Defendant's disciplinary rules.
10. That the Plaintiff was falsely and maliciously prosecuted in The Juvenile Court of Memphis & Shelby County because of the Defendant's accusations.
11. That the prosecution of the Plaintiff concluded with a favorable outcome and was dismissed against the Plaintiff.
12. That because of the acts of the Defendant, the Plaintiff has not achieved a high school diploma and is challenged in his pursuit of life, liberty and pursuit of happiness. Article XI, § 12 of the Constitution of Tennessee "guarantees to all children of school age in the state the opportunity to obtain an education." *Tennessee Small Sch. Sys. v. McWherter*, 851 S.W.2d 139, 140 (Tenn. 1993). To implement this constitutional imperative, the General Assembly has created a statutory right to a public education that benefits all school-age children in Tennessee.
13. That the Plaintiff has suffered emotional harm, inconvenience, loss of the right to a public education, loss of enjoyment of life; compensatory damages in the amount of \$250,000.00.

Wherefore, Plaintiff demands judgment against the Defendant for compensatory damages in the amount of \$250,000.00, funds that his parents had to expend to further his education while suspended from the Defendant's facilities, Defendants' disparate treatment of Plaintiff, malicious prosecution, reasonable attorney fees and the costs of litigation and such other and appropriate relief as the court deems just.

Plaintiff demands a jury to hear the suitable issues in this cause.

*/s/ Gerald S. Green*_____

Gerald S. Green #9470

P.O. Box 264

Memphis, TN 38103

Tel.: 901-826-7955

Fax: 901-201-5885

Email: indictmentdefense@gmail.com